

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,

Plaintiff,

v.

CHRIS ANDERSON, et al.,

Defendants.

8:12CV370

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's document entitled "Temporary Injunction and/or Reconsideration on Appointment of Counsel." (Filing No. [26](#).) In this document, Plaintiff seeks reconsideration of the court's order from August 23, 2013, denying his request for the appointment of counsel. (See Filing No. [26](#).) As the court explained in its prior order, it cannot routinely appoint counsel in civil cases, and the court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel. See [Davis v. Scott](#), 94 F.3d 444, 447 (8th Cir. 1996). Because no such benefit is apparent in this case at this time, Plaintiff's request that the court reconsider its order denying the appointment of counsel is denied.

Plaintiff also seeks a temporary injunction in the form of a court order prohibiting his "prison facility" from opening his mail. This unnamed "prison facility" is not a party to this action, and Plaintiff cites no authority suggesting that this court can order a nonparty to provide the relief that he seeks. Plaintiff's request for an order prohibiting his prison facility from opening his mail is denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's request for reconsideration of the court's order denying the appointment of counsel is denied.

2. Plaintiff's request for a temporary injunction is denied.
3. Accordingly, the clerk's office is directed to term the motion appearing at Filing Number 26.

DATED this 16th day of September, 2013.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

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